

1 Dale L. Smith  
2 OSB# 79398  
3 61149 S Hwy 97  
4 PMB #306  
5 Bend OR 97702  
6 541-382-3402

7 UNITED STATES BANKRUPTCY COURT

8 DISTRICT OF OREGON

9 In Re: )  
10 )  
11 Mark A Mann, )  
12 ) Case No. 11-66256-tmr7  
13 Debtor. )  
14 )  
15 )  
16 ) Adversarial No.  
17 Mark A Mann, )  
18 ) COMPLAINT TO DETERMINE DISCHARGE  
19 Plaintiff, ) AND STATUS AS VOID OF JUDGMENTS OF  
20 ) MIDLAND FUNDING LLC  
21 vs. )  
22 )  
23 Midland Funding, LLC )  
24 )  
25 Defendant. )

26 1.

27 This adversarial proceeding is brought in connection with plaintiff's Chapter 7 case, Case  
28 No. 11-66256-tmr7. The Court has jurisdiction over this adversary proceeding pursuant to 28  
29 U.S.C., Section 157, 1334 and 11 U.S.C., Section 522(h). Defendant Midland Funding, LLC  
30 was a creditor of plaintiff's.

31 2.

32 Plaintiff's petition for bankruptcy relief was filed on January 3, 2012.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

3.

At the time of the filing of plaintiff's petition, Midland Funding, LLC had judgments against plaintiff as follows:

1 - Judgment dated January 21, 2011 in case # 10CV0801 in Curry County, Oregon in the amount of \$1791.60.

2 - Judgment dated May 5, 2011 in case # 11CV0100 in Curry County, Oregon in the amount of \$3512.81.

4.

Debtor received a discharge in his bankruptcy filing on March 28, 2012. The debts set forth in paragraph 3 herein were discharged.

5.

Section 524 of the Bankruptcy Code "voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under Section 727, 944, 1141, 1228 or 1328 of this title. . ."

6.

Pursuant to 11 USC Section 524(a)(1), the debts described in paragraph 3 herein are void and are not allowed to be shown as liens on any real property purchased by plaintiff after March 28, 2012.

1           Wherefore, plaintiff requests an Order as follows:

2                   (1)     Declaring the debts of Midland Funding LLC described herein as  
3                               discharged.

4                   (2)     Declaring the debts of Midland Funding LLC described herein as void.  
5

6                                     /s/ Dale L. Smith        
7                               Dale L. Smith  
8                               Attorney for Mark A Mann